

Message Text

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ACTION EUR-25

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FM AMEMBASSY MOSCOW

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E.O. 11652 N/A

TAGS: APER CASC UR

SUBJ: FOREIGN OFFICE REGISTRATION OF EMBASSY DEPENDENT

REF: MOSCOW 14645

1. BRITISH CITIZEN SYLVIA RACKSTRAW, DEPENDENT SISTER OF EMBASSY ATTACHE JOYNE SCOTT, HAS BEEN REFUSED REGISTRATION BY MFA ON GROUNDS THAT SHE NOT A "MEMBER OF FAMILY" AS MFA INTERPRETS SOVIET STATUTE GOVERNING GRANTS OF DIPLOMATIC PRIVILEGES AND IMMUNITIES (QUOTED IN PARA 4 REFTTEL). MFA ORALLY INFORMED EMBOFF THAT MRS. RACKSTRAW WOULD HAVE TO BE REGISTERED THROUGH OVIR AS RESIDENT ALIEN. MFA REP EXPLAINED THAT "MEMBERS OF FAMILY" DEFINITION INCLUDES ONLY WIVES AND CHILDREN OF DIPLOMAT.

2. EMBASSY NOTES THAT VIENNA CONVENTION OMITTED DEFINITION OF "MEMBERS OF FAMILY" CONCEPT, THOUGH NEGOTIATING HISTORY INDICATES THAT US DELEGATION ATTEMPTED TO HAVE SUCH DEFINITION INCLUDED.

3. EMBASSY WOULD APPRECIATE DEPARTMENT ATTEMPTING TO ASCERTAIN WHETHER PRECEDENT EXISTS UNDER WHICH SISTER OR BROTHER OF SOVIET DIPLOMAT HAS BEEN ACCORDED DIPLOMATIC OR OTHER REGISTRATION BY THE DEPARTMENT. EMBASSY NOTES THAT 22 CFR 41.1 DEFINES LIMITED OFFICIAL USE

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"MEMBERS OF IMMEDIATE FAMILY" FOR VISA ISSUANCE

PURPOSES (WHICH WOULD INCLUDE A-1 VISA ISSUANCE TO A SOVIET DIPLOMAT) AS "CLOSE RELATIVES WHO ARE MEMBERS OF IMMEDIATE FAMILY BY BLOOD, MARRIAGE, OR ADOPTION, WHO ARE NOT MEMBERS OF OTHER HOUSEHOLD AND WHO WILL RESIDE REGULARLY IN THE HOUSEHOLD OF THE PRINCIPAL ALIEN." IF SOVIETS EXTENDED RECIPROCITY ON THIS BASIS, AND THEIR GOVERNING STATUTE IS OPEN TO THIS INTERPRETATION, RACKSTRAW WOULD OF COURSE BE REGISTERED UNDER SAME PROCEDURES AS HER SISTER.

4. EVEN IF DEPARTMENT FINDS THAT NO CONCRETE PRECEDENT EXISTS, EMBASSY PLANS, IF DEPARTMENT HAS NO OBJECTION, TO APPROACH MFA ONCE AGAIN ON THIS QUESTION, POINTING OUT THAT UNDER ANALOGOUS SITUATION IN US SISTER OF A SOVIET DIPLOMAT WOULD RECEIVE FULL DIPLOMATIC REGISTRATION.
MELENCAMP

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